

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

JONATHAN MCGLOTHIAN,  
et al.,

Plaintiffs,

v.

Civil Action No. 3:18cv507

W. HAYWOOD FRALIN,  
et al.,

Defendants.

ORDER

Having considered the PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF (ECF No. 12), and the defendants' MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT (ECF No. 20), the Magistrate Judge's REPORT & RECOMMENDATION (ECF No. 25), and the objections thereto (ECF No. 26 and 27) and various briefs related thereto, it is hereby ORDERED that:

(1) The REPORT & RECOMMENDATION (ECF No. 25) is adopted as to the MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT (ECF No. 20) pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) and the objections to the REPORT & RECOMMENDATION are overruled; and

(2) The REPORT & RECOMMENDATION (ECF No. 25) recommending denial of the PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION (ECF No. 4) is adopted except with respect to that part of the finding on irreparable harm (REPORT & RECOMMENDATION, pp. 46-47) that

addresses the allegation of irreparable harm arising from loss of business opportunities and rent payments because the PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF (ECF No. 12) does not seek monetary damages and the plaintiffs' objections (ECF No. 26) on that ground are overruled.

Accordingly, the PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION (ECF No. 2) is denied and the MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT (ECF No. 20) is denied.

It is further ORDERED that an Initial Pretrial Conference is scheduled for 10:00 a.m. March 20, 2019. A separate Initial Pretrial Order will issue.

It is so ORDERED.

\_\_\_\_\_/s/ REP\_\_\_\_\_  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: March 7, 2019